

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, November 28, 2012

ACTION ITEMS:

1. Minutes, November 7, 2012 Worksession.

Action: Approved, (SBB/CJS, 4-0).

2. **A-6391, Appeal of Jacqueline Vera-Y-Aragon** (Department of Permitting Services – Issuance of Use and Occupancy Permit). Letter to the Board from James Ryan requesting subpoenas.

Action: Granted subpoena request, (CJS/DKP, 4-0).

3. **A-6400, Petition of Carol E. Flynn** (minimum lot size). Letter to the Board from the petitioner requesting to pay the higher of the two filing fees.

Action: (1) Granted the consolidation of the variance and special exception petitions; (2) petitioner to pay the higher of the two filing fees, (DKP/SBB, 4-0).

4. **CBA-2525, Petition of Bernard B. Schugar, D.D.S.** (non-resident medical practitioner). Letter to the Board from Susan Magazine, Esquire, requesting with a transfer of special exception. Also included is a letter affirming the transfer from the current medical practitioner.

Action: Granted transfer of the special exception, (CJS/SBB, 4-0).

5. **CBA-2961, Petition of Chesapeake and Potomac Telephone Company** (telecommunications facility). Inspection report from Heather Gottke, Inspector, Department of Permitting Services (DPS), notifying the Board of the special exception's compliance status and requesting a show cause hearing. Also included is a letter from Larry Gordon, Esquire, submitting a revised landscape plan. [Large exhibit: plot plan].

Action: (1) Schedule show cause hearing; (2) opened record to receive Paul LaPlant's letter dated November 27th, 2012, (CJS/CGT, 4-0)

6. **S-274-D, Petition of Suburban Hospital** (hospital). Letters to the Board from Leslie Weber, Senior Vice President, submitting the noise testing results and the community liaison council minutes.

Action: Re-opened the record to include Ms. Weber's letter and the community liaison council minutes, (CJS/DJP, 4-0).

7. **S-285-E, Petition of The Norwood School, Inc.** (private educational institution). A letter from Ki Kim, M-NCPPC, notifying the Board of the petitioner's compliance with condition nos. 10 and 11 of its Opinion dated 12/16/2010.

Action: Re-opened the record to include Ms. Kim's letter, (SBB/DKP, 4-0).

8. **S-1043, Petition of David C. Keener** (accessory apartment). Letter to the Board from Amir Pilch requesting a transfer of the special exception.

Action: Item deferred for additional information, (consensus).

9. **S-1706, Petition of James A. and Mary E. Hooff** (private riding stable). Memorandum from Barbara Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner.

Action: Revoked the special exception as abandoned, (SBB/CJS, 4-0).

10. **S-2092, Petition of Brooke Grove Foundation, Inc.** (life care facility). Letter to the Board from Susan Carter, Esquire, requesting an administrative modification.

Action: Granted the administrative modification, (CGT/CJS, 4-0).

11. **S-2232, Petition of Miguel Bachrach** (major home occupation). Memorandum from Heather Gottke, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is letter of confirmation from the petitioner.

Action: Revoked the special exception as abandoned, (CJS/ SBB, 4-0).

12. **S-2333, Petition of Bruce Bartlett** (bed and breakfast). Memorandum from Barbara Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owners.

Action: Revoked the special exception as abandoned, (SBB/CJS, 4-0).

13. **S-2668, Petition of Taiwan Culture Center** (service organization). Letter to the Board from Tai Huang, President, submitting the organization's annual report and the community liaison council minutes.

Action: Re-opened the record to include Ms. Huang's letter and the community liaison council minutes, (SBB/CJS, 4-0).

14. **S-2710, Petition of Dayhill, LLC** (child day care center). Letter from Martin Hutt, Esquire, requesting an extension of time.

Action: Granted extension of time, until July 1, 2014, (CJS/SBB, 4-0).

DECISION ITEM:

15. **S-2844, Petition of David A. and Carmen T. Doheny** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (CJS/SBB, 4-0).

PENDING ITEMS:

16. **CBA-2961, Petition of Chesapeake and Potomac Telephone Company** (telecommunications facility). Letter to the Board from Timothy Dugan, Esquire, with the status of the compliance with the notice of violation and a request for a name change. Also included is a memorandum from Heather Gottke, Inspector, DPS, with an update of the notice of violation and an extension until October 31, 2012. (1) Re-opened the record to include Mr. Dugan's letter with attachments and Ms. Gottke's memorandum; (2) item deferred until after the DPS extension deadline of October 31, 2012. [W/S 9/26/2012].
17. **S-763 [S-763-A], Petition of Silver Spring Temple and Library Association** (service organization). Letter to the Board from Sean Hughes, Esquire, requesting an administrative modification. [Large exhibits: title sheet, site survey, roof and equipment location plan, building elevations, equipment details]. Deferred administrative modification request until a special exception application has been approved for the telecommunications facility. [W/S 3/10/2010].
18. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc. [W/S 4/30/2008].

19. **S-2759, Petition of Darnestown Development, LLC t/a Goddard School** (child day care facility). Letter to the Board from Stephen Kaufman, Esquire and Debra Borden, Esquire, requesting a transfer of the special exception and an administrative modification. [Large exhibits: cover sheet, special exception site plan, special exception landscape plan/2 sheets, preliminary subdivision plan]. (1) Granted the transfer of the special exception; (2) deferred the administrative modification request until M-NCPPC's approval of the pending request for revisions to the preliminary plan. [W/S 9/14/2011]. (1) Re-opened the record to include Ms. Martin's letter; (2) Ms. Martin's request will be deferred until the administrative modification request is taken up by BOA. [W/S 12/7/2011].
20. **S-2792, Petition of SBA Structure, Inc. and Verizon Maryland Inc.** (telecommunications facility). Letter to the Board from Edward Donohue, Esquire, requesting Board review of information related to the special exception. (1) Re-opened the record to include Mr. Donohue's letter with attachments; (2) extend the time limit for DPS enforcement. [W/S 11/7/2012].
21. **S-2820, Petition of Fairland Animal Hospital, Inc.** (veterinary hospital). Hearing Examiner's Report and Recommendation. Also included is a letter from Jody Kline, Esquire, requesting oral argument. (1) Granted the request for oral argument. (2) deferred the Hearing Examiner's Report and Recommendation. [W/S 2/29/2012].
22. **CBA-2740-A, Petition of Mid-Atlantic Petroleum Properties** (Automobile Filling Station). Letter to the Board from the Stanley D. Abrams, Esquire requesting an extension of time to implement Special Exception Modification. Also included is the subject site and immediate surroundings exhibit, excerpted from M-NCPPC December Staff Report. Item deferred for additional information. [W/S 12/5/12].

Board Members

Catherine G. Titus, Chair
David K. Perdue, Vice Chair
Carolyn J. Shawaker
Stanley B. Boyd

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

www.montgomerycountymd.gov/content/council/boa/index.asp

**WORKSESSION ADDENDUM MINUTES
Second Floor Davidson Memorial Hearing Room**

Wednesday, November 28, 2012

ACTION ITEM:

1. **A-6394, Petition of Hana and Renata Sara Jandova** (existing accessory structures/sheds). Letter from the petitioners requesting a continuance.

Action: Granted continuance, (DKP/CJS, 4-0).

Board Members

Catherine G. Titus, Chair
David K. Perdue, Vice Chair
Carolyn J. Shawaker
Stanley B. Boyd

Staff:

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director